

Docket No. 1982-0137P

Appl. No.: 09/400,297

Art Unit: 2175

Amendment dated October 30, 2003

Reply to Office Action of July 30, 2003

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## **R E M A R K S**

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-20 are currently pending in the instant application. Claims 1-20 have been amended. Claims 1, 6, 11 and 16 are independent. Reconsideration of the present application is earnestly solicited.

### **Priority**

Applicant appreciates the Examiner's indication of receipt of the certified copy of the corresponding priority document.

### **Drawings**

Applicant has voluntarily amended FIGs. 1, 2B and 4 to avoid potential inconsistencies between the drawings and the corresponding description in the specification. Specifically, the term "encoding" has been amended in the drawings to more properly refer to "encrypting." Applicant would appreciate acknowledgment of the receipt and approval of the formal drawings submitted as an attachment to this Amendment.

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**Claim Rejections Under 35 U.S.C. § 112**

Claims 12 and 13 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In light of the foregoing amendments to the claims, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. Specifically, claims 12 and 13 have been amended as suggested by the Examiner. However, Applicant respectfully submits that the foregoing amendments have been made to merely clarify the claimed invention.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicant has incorporated the changes recommended by the Examiner. Applicant submits that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Iizuka (U.S. Patent No. 5,664,030). This rejection is respectfully traversed.

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In light of the foregoing amendments to the claims, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicant has amended claims. Accordingly, this rejection has been rendered moot.

Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. For example, with respect to claim 1, Applicant submits that the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: "a fourth process of *encrypting every said portion image data to provide every said portion image data with security so that unauthorized access to the portion image data cannot be executed without using the incidental information*, wherein image-handling of said portion image data is performed on the basis of said incidental information." (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 6, Applicant submits that the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: "encrypting means which encrypts said

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portion image data to prevent unauthorized access to said portion image data.”

Accordingly, this rejection should be withdrawn.

With respect to claim 11, Applicant submits that the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: “a fourth step of *encrypting every said portion image data to provide every said portion image data with security so that unauthorized access to the portion image data cannot be executed without using said incidental information*; and a fifth step of image-handling image data on the basis of said incidental information.” (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 16, Applicant submits that the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: “a fourth process of encrypting, per predetermined unit, said portion image data which has been divided into said predetermined unit to prevent unauthorized access to said portion image data.”

Accordingly, this rejection should be withdrawn.

Applicant submits that it appears that the Examiner considers the “encoding” and “scrambling” of Iizuka to read on the encrypting of the present invention (see paragraph 4 of the Examiner’s Office Action). This interpretation

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is respectfully traversed. Specifically, the alleged "encrypting" of Iizuka is actually an encoding process that is not analogous to the encrypting of the portion image data "to prevent unauthorized access to said portion image data" of the claimed invention. Accordingly, this rejection should be withdrawn.

In addition, an advantageous feature of the claimed invention is that it enables a device to respond to a request for transmission for a portion of an image due to information incidental to the image, e.g., even if the device is not authorized to decrypt the encrypted image file. Applicant submits that the device of Iizuka clearly does not teach or suggest this beneficial effect.

In the prior art of record relied upon by the Examiner, encoding of image data is not for security purposes, but is a change in format that allows the image on a recording medium to be properly read by a particular device. In contrast, encryption prevents the image data from being recognized by a particular device unless access to the image data is authorized. Referring to page 1 of the present specification, a public key system or a common key system are examples of conventional encryption methods.

With regard to the scrambling that the Examiner refers to, the Examiner relies on column 25, line 30 through column 26, line 52 of Iizuka. Referring to this portion of Iizuka, it becomes clear that the scrambling described by Iizuka

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is not to prevent unauthorized access to image data, but is for error correction. In view of this, the scrambling of Iizuka is not encryption as recited in the independent claims of the present invention.

In summary, the Iizuka reference is directed to a method and apparatus for recording/reproducing image data, which includes error checking codes that are added to a recording medium in order to cope with the partial destruction of a scanned image. However, the Iizuka reference is silent with regard to encryption of image data as in the present invention. In view of this, the Iizuka reference fails to teach or suggest the claimed invention of claims 1, 6, 11 and 16. Accordingly, the rejection to all of the claims of the present application should be withdrawn and the present application should be passed to Issue.

## **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
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**Attachments: (Drawings-Replacement Sheets)**